

Ordinance No. 785

AN ORDINANCE AMENDING IN PART CHAPTER 8, ARTICLE I, SECTION 8-4, SMOKING IN RESTAURANTS, OF THE CITY CODE OF THE TOWN OF HOLLYWOOD PARK, TEXAS, PROHIBITING PERSONS SMOKING IN RESTAURANTS WITHIN THE TOWN OF HOLLYWOOD PARK, TEXAS; PROVIDING DEFININTIONS; REQUIRING SIGNAGE; PROVIDING A PENALTY; PROVIDING FOR PUBLICATION AS REQUIRED BY LAW.

WHEREAS, the City Council of the Town of Hollywood Park, Texas has investigated the effects of smoking by people in restaurants operating within the municipality; and

WHEREAS, the City Council has determined it to be in the best interest of the health, safety and welfare of its citizens to regulate smoking by people within the restaurants in the Town of Hollywood Park, Texas;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE TOWN OF HOLLYWOOD PARK, TEXAS:

The City Code of the Town of Hollywood Park, Texas, Chapter 8, Article I, Section 8-4, Smoking in Restaurants is amended to read as follows:

Sec. 8-4. Smoking prohibited in public restaurants

- A.** The smoking of tobacco or a tobacco related product in a restaurant located within the Town of Hollywood Park, Texas, is prohibited.
- B.** A person commits an offense if the person intentionally or knowingly smokes tobacco or a tobacco related product in a public restaurant within the Town of Hollywood Park, Texas.
- C.** A person owning or operating a public restaurant within the municipality commits and offense if the

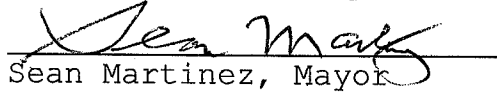
owner/operator intentionally or knowingly allows patrons to smoke tobacco or a tobacco related product in the public restaurant within the Town of Hollywood Park, Texas.

- D.** A person owning or operating a public restaurant within the municipality commits an offense if the owner/operator intentionally or knowingly fails to post a sign outside at each entrance to the restaurant informing patrons that smoking is prohibited inside the restaurant.
- E.** The terms smoke or smoking include, but are not limited to, carrying or holding a lighted pipe or other lighted smoking device containing tobacco or a tobacco product, a lighted cigar or cigarette. It includes the lighting of the tobacco or the tobacco product. It also includes, but is not limited to, causing the emission of the tobacco smoke or the smoke of the tobacco product, or the exhaling of the tobacco smoke or the smoke of a tobacco product from a pipe, cigar, cigarette or other smoking device.
- F.** (1) "Person" means an individual, corporation or association as defined in Section 1.07 of the Texas Penal Code.


(2) "Restaurant" means any retail business that sells food as its principal operation, or a part of its principal operation to the public.
- G.** A warning sign that smoking is prohibited within the restaurant shall be posted outside each entrance to a restaurant, and may be displayed in other locations within the restaurant such as restrooms, bar areas or other patron waiting areas.
- H.** Suitable containers for extinguishing smoking materials may be provided by the restaurant and positioned outside the entrance(s) to the restaurant.
- I.** Any person violating this section shall, upon conviction, be punished by fine of not less than fifty (\$50.00) dollar nor more than five hundred (\$500.00) dollars.

This Ordinance shall take effect immediately upon its passage, approval and publication as required by law.

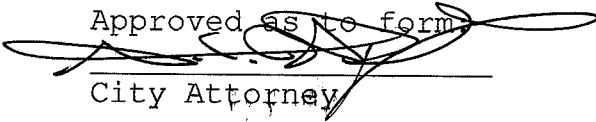
PASSED AND APPROVED this the 21st day of September 2004


Sean Martinez, Mayor

Attest:


Barbara M. Haddock
City Secretary

Approved as to form


City Attorney